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BOOK REVIEWS

Modern Democracies. By James Bryce. In Two Volumes. New York, The Macmillan Co., 1921. Vol. I, pp. xiv, 1-508; Vol. II, pp. vi, 1-676.

No man in the world to-day is better fitted to discuss modern democracies than Lord Bryce. His work on *The American Commonwealth*, written after the closest personal observation of our institutions, and revised and enriched from time to time by his subsequent reinvestigation, has been recognized, for many decades, as a book which every American should read, that he may know his own country, with its virtues and its faults, painted by a friendly but judicial hand.

Lord Bryce's encyclopaedic knowledge of history, shown in all his works, including his *Holy Roman Empire*, and his knowledge of the most modern conditions and changes in governments, made vivid and practical by his actual observations and continued studies made in the countries of which he writes, give him a peculiar facility for discussing the present state of modern democracies. The fate of democracy and its future usefulness as a form of government are a more compelling topic now than ever. Lord Bryce improves the present great opportunity to contrast the anticipations of those who framed the early democratic forms of government, and of the people who took part in it, with the realization of to-day.

He takes as the examples of democracies in Europe, the Republic of France and the Republic of Switzerland, and his book is a treasure of concrete, exact, and comprehensive statements of the governments of each. He does not attempt to bring his treatise beyond the War, although there are occasional references to changes in legislation since the beginning of that struggle.

He delights himself with a description of the sturdy conservative democracy of the Swiss, whose distrust of vesting too much power in any one, and whose individual sense of responsibility for their government, seem to constitute them the best material for a stable popular government. He describes the operation in their small republic of the referendum. He shows its limited use and explains the advantages and defects of its operation under favorable conditions. He does not select Great Britain in his study of modern democracies, because he feels he is too closely associated with the living government there to make it appropriate that he should deal with it.

In this hemisphere, Lord Bryce takes for his consideration Canada and the United States. His discussion of the United States is of course a supplement to his *American Commonwealth*; but it is intensely interesting, in that it is a review of conditions and of their changes in fifty years from the time when he was preparing that great work for publication. He considers two other democracies in the far Southern Seas, the Australian Federation and New Zealand, which were of British origin with strong traditions of liberty and equality, and which have been more ambitious and have gone further in social legislation and the attempt to regulate relations between employers and employees than any other country.

The author points out with great candor the faults and defects of the governments and peoples he describes, and at times one feels that his attitude is rather a pessimistic one; but after reading the whole work and weighing his summing up and conclusions, one lays the book down with a feeling that while the writer sees clearly and regrets the failures of modern democracy to approach the ideals which he has had, and to realize the anticipations of those who

projected this form of government, yet he believes that the peoples and the governments they make are getting better slowly; that democracy is probably the only form of government in which progress of a permanent character can be made. He does in one passage stir one's imagination to the possibility of a return by the great majority of peoples who shall have become indifferent to an ideal of self government, to the plan of again committing to a few capables the conduct of affairs. But he evidently does not entertain the conception as practically probable.

Lord Bryce's real optimism is revealed in the last passage of his work, which is a summary of the gratifying improvement of conditions in the United States during the last fifty years. In the last paragraph of that passage he says:

"No Englishman who remembers American politics as they were half a century ago, and who having lived in the United States, has formed an affection as well as an admiration for its people—what Englishman who lives there can do otherwise?—will fail to rejoice at the many signs that the sense of public duty has grown stronger, that the standards of public life are steadily rising, that democracy is more and more showing itself a force making for ordered progress, true to the principles of liberty and equality from which it sprang."

WILLIAM H. TAFT

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Estates, Future Interests, and Illegal Conditions and Restraints in Illinois. By Albert M. Kales. Chicago, Callaghan & Company, 1920. pp. 948.

Students of the law of Future Interests have come to look upon Mr. Kales as the heir of John Chipman Gray. No one in the country is better qualified to unravel the intricacies of remainders, executory interests, and conditions; no one certainly could bring to the task greater learning or riper experience. To praise the high qualities of the new treatise in these respects would be a work of supererogation. It will be more serviceable to point out what are believed to be some defects of the book, and it is hoped that this will be more welcome to the vigorous and combative spirit of the author than stereotyped encomium.

The book is a revision and considerable enlargement of the author's treatise on Conditional and Future Interests and Illegal Conditions and Restraints in Illinois, published in 1905.

The additions consist of the historical introduction, covering about one eighth of the book, two chapters on principles of interpretation, four chapters on estates in possession, a title on adverse possession against reversioner and remainderman, and a title upon the inclusion of adopted children in gifts,—besides much material added to the topics treated in the earlier book.

The limitation of the treatise to the law of Illinois accounts for the very meagre treatment or entire omission of subjects of great importance and interest. Thus, illegal and impossible conditions receive only four brief sections; the bearing of the limitation of successive estates on inheritance taxation is referred to only in one section (sec. 451), and a similarly inadequate treatment is accorded to the relative rights of life tenant and remainderman (sec. 399), nothing at all being said concerning the disposition of stock dividends.

Is it a sufficient reason for this neglect that these subjects have had no or only little judicial attention in Illinois? Why then have we elaborate discussions of divesting contingencies, cross limitations, determination of classes, and powers, almost exclusively on the basis of English cases? Some of these topics are of little intrinsic importance, others based upon conditions and practices peculiarly English, while the omitted topics are of the greatest practical interest. The author does not appear to have mapped out his subject upon the basis of a comprehensive survey, but to have been guided by two factors, from a systematic